

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

00 NOV - 1 PM 12:59 *mz*

69cv07941-JC-ACE
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW Jose L. Chacon (please print your full name)
JOSE L CHACON

and answers the complaint as follows:

<u>Subfile No</u>	<u>Object</u>	<u>Claim No Right</u>
CHGA-02-0041	<u>JLC</u>	<input type="checkbox"/>
CHGA-03-0017	<u>JLC</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>
CHGA-03-0025	<u>JLC</u> <input checked="" type="checkbox"/>	<input type="checkbox"/>

1. In answer to Complaint: For each subfile listed above, please initial in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHGA 03-0017
CHGA 03-0025 See attachment because
CHGA 02-0041

5993

See attachment

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by
See attachment

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____
because

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 10-13-00

Jose L. Chacon

(Signature - JOSE L CHACON)

P.O. Box 95-

GALLINA, N.Mex.

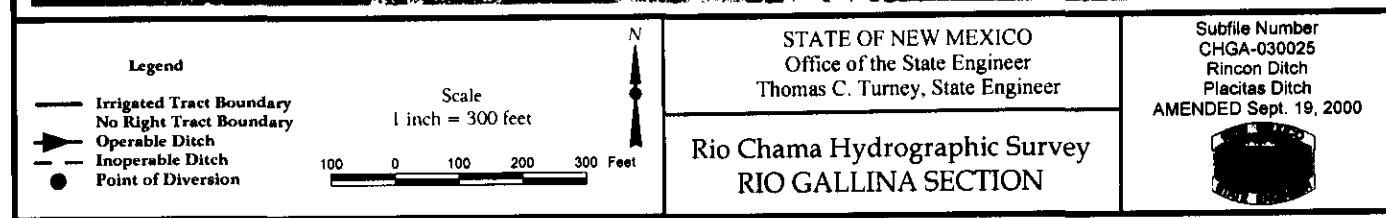
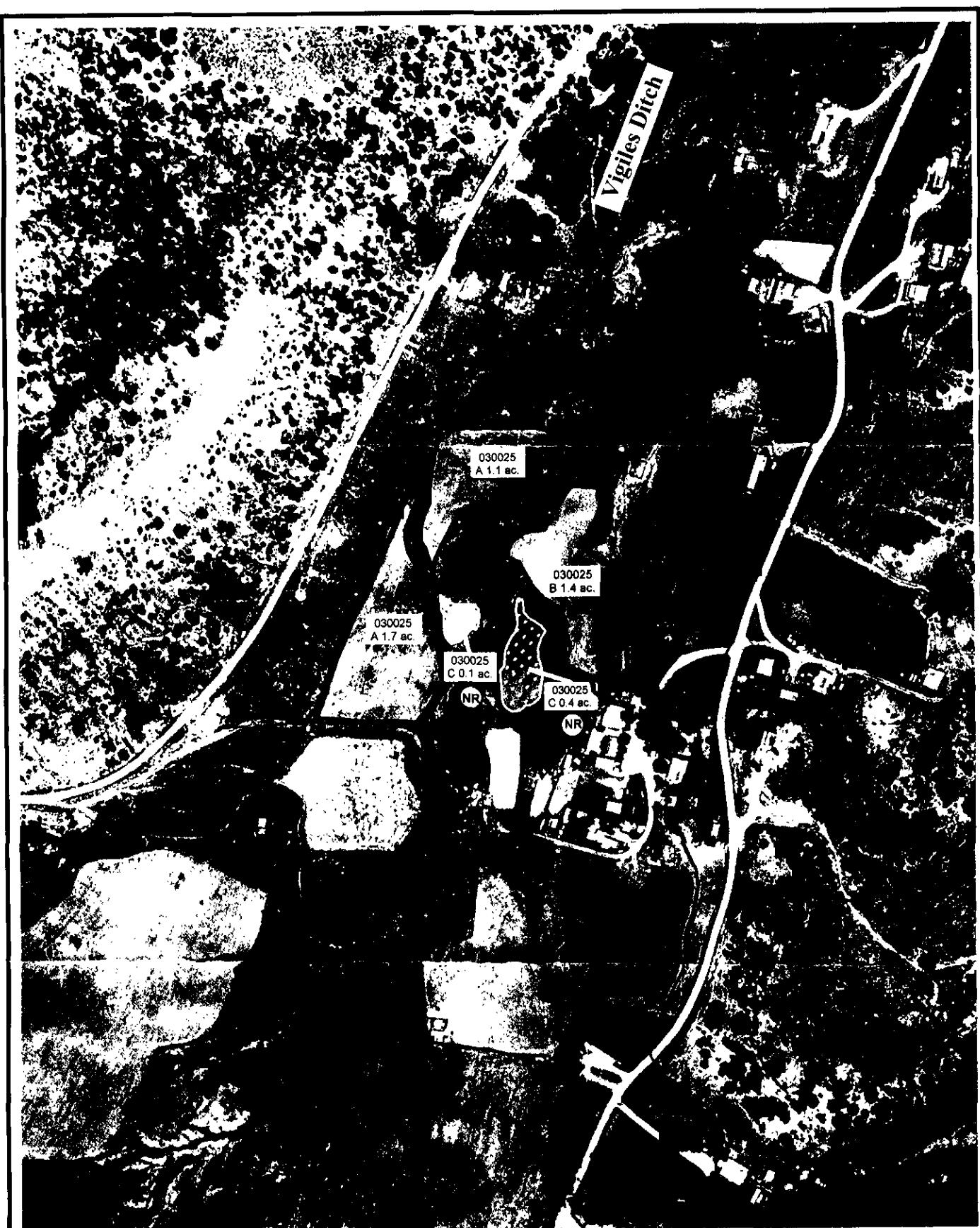
87017

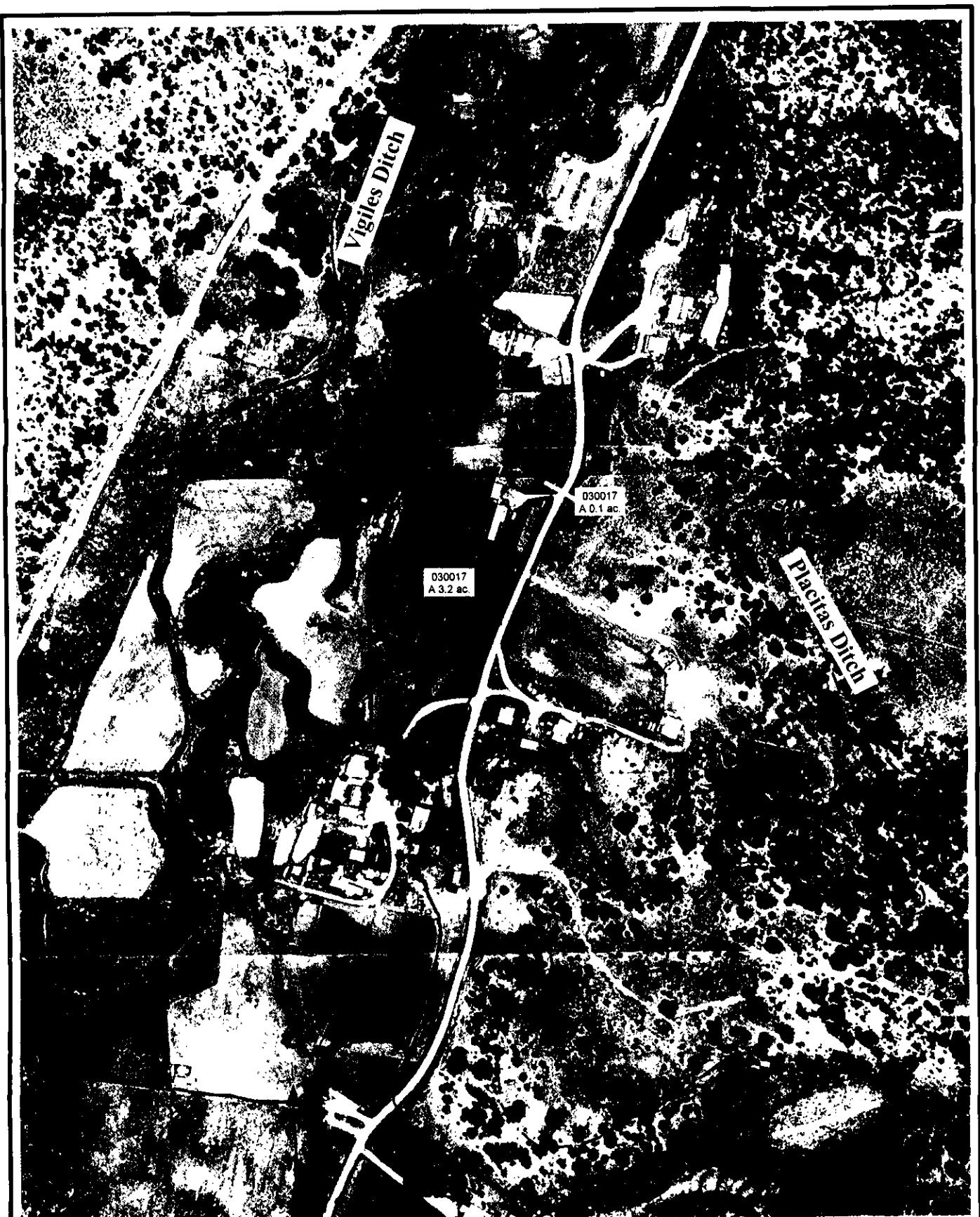
(Address: Print Clearly)

505 638 5641

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.





Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Point of Diversion

Scale
1 inch = 300 feet
100 0 100 200 300 Feet



STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Subfile Number
CHGA-030017
Placitas Ditch
AMENDED Sept. 21, 2000

Rio Chama Hydrographic Survey
RIO GALLINA SECTION



Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion

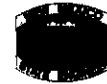
Scale
1 inch = 300 feet



STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Subfile Number
CHGA-020041
Valdez Ditch
AMENDED Sept. 21, 2000

Rio Chama Hydrographic Survey
RIO GALLINA SECTION



October 13, 2000

Mr. Ed Newville
Special Assistant Attorney General
Legal Division
NM Office of the State Engineer
P.O. box 25102
Santa Fe, NM 87504-5102

Re: Adjudication of water rights in Rio Gallina Section of Rio Chama Stream System
Subfile Nos. CHGA-03-0017 and CHGA-03-0025 and CHGA-02-0041

Dear Mr. Newville,

Please find enclosed an answer to complaint on Subfile Numbers CHGA 03-0017 and CHGA 03-0025 and CHGA 02-0041.

I object to the description of the water rights described by Subfile Number CHGA 03-0017 because (a) a portion of irrigated land was left out on south east end of tract. An arbitrary line was drawn as boundary of irrigated land. This boundary of irrigated land is not a straight line. (b) a portion of irrigated land was left out next to hay stack on north west side of tract. (c) a lower irrigated area was left out on north west side of tract.

I object to the description of the water rights described by Subfile Number CHGA 03-0025 because (a) a portion of irrigated land was left out on south east corner of this tract. (b) A wetted area on the west side was left out. This area should be recognized as such. This area supports pasture grasses year around.

I object to the description of the water rights described by Subfile Number CHGA 02-0041 because (a) the area beneath the oaks was omitted. (b) a portion on the south east by the pond was omitted.

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by (a) I came to the field office. (b) When asked to produce documents, I did. (c) I missed my opportunity to show my land, to present my evidence of irrigation on these disputed tracts. I am the owner of this land. Although my son came out, he is not as familiar as I am. I would like to be present because, I am more familiar with the historical irrigation of this land.

Thank you for your consideration.

Sincerely,
Jose L. Chacon

Jose L. Chacon
P.O. box 95
Gallina, NM 87017